

IN RE: PETITION FOR VARIANCE
SW/Corner Dineen Drive and
Kavanagh Road
(1900 Dineen Drive)
15th Election District
7th Councilmanic District
Charles D. Lowe, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-138-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the owners of the subject property, Charles D. and Sharon A. Lowe. The Petitioners seek relief from Section III.A.13 of the Baltimore County Zoning Regulations (1945 Regulations) to permit an existing accessory structure (shed) to be located in the side yard in lieu of the required rear yard, and from Section 102.5 of the B.C.Z.R. (1955 Regulations) to permit an existing fence of a height greater than 3 feet to be located 8 feet from an intersecting street and alley in lieu of the required 15 feet, all as more particularly described in photographs and a site plan marked as Petitioner's Exhibits 1.

Appearing on behalf of the Petition was Charles Lowe, property owner. There were no Protestants at the hearing.

Testimony indicated that the subject property, known as 1900 Dineen Drive, consists of .08 acres, zoned D.R. 10.5 and is improved with a single family end-of-group townhouse dwelling unit. Said property is located within the Chesapeake Bay Critical Areas near Bear Creek in the community of West Inverness in southeastern Baltimore County. The instant Petition was filed as a result of a complaint registered with the Zoning Administration and Development Management (ZADM) office by the West Inverness Community Association as to the location of an existing fence on the

property. An inspection of the property revealed that there also exists a shed in the side yard near the front of the property. Testimony indicated that the Petitioners erected a 6-foot high privacy fence around the perimeter of their property beginning at the front foundation of the dwelling and running across the front of the property, down the side property line to the rear of the property, and across the rear property line. Mr. Lowe testified that he erected the fence to secure a swimming pool and play area for his children. Testimony indicated that there is a high rate of crime in this community and that the West Inverness Community Association has been working with many of the residents in the neighborhood who reside on corner lots at intersecting streets and alleyways to provide greater visibility to pedestrians as well as to enhance traffic safety. This Petitioner and many of the other corner residents have agreed to cut back hedges and fences at least 8 feet from any corner in both directions. In support of his request, the Petitioner submitted photographs marked as Petitioner's Exhibits 1 evidencing that he has already adjusted the rear corner of the fence so that it now sits back approximately 8 feet from the intersection of Kavanagh Road and the alleyway to the rear of his property.

As to the shed, the Petitioner testified that the location of the swimming pool in the rear yard, and a swing set and sand box for the children and garden in the side yard, dictated placement of the shed in the location shown on Petitioner's Exhibit 1 to avoid interference with family activities and to most effectively utilize his small yard. In support of his request, the Petitioner noted a letter that was written to the Zoning Enforcement Division of ZADM from Mr. Louis P. Romeo, Jr., President of the West Inverness Community Association, in which the Association voiced

its support of the relief requested and the Petitioners' willingness to adjust the position of the fence as set forth above.

A review of the requirements of Section 102.5 of the B.C.Z.R. reveals that strict adherence of same would require that this property owner maintain a fence height of no greater than 3 feet a minimum distance of 15 feet from the intersection of Kavanagh Road and the alleyway behind his property. Further, Section 102.5 of the B.C.Z.R. requires that no planting, fence, wall, building or other obstruction be permitted to be taller than 3 feet within a distance of 15 feet from the corner of this lot. Therefore, a variance is still required.

As noted above, this property is located within the Chesapeake Bay Critical Areas near Bear Creek, and as such, the granting of any relief is subject to compliance with Critical Areas legislation.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficient-ly complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. In addition, the West Inverness Community Association has no objection to the shed and agreed to the Petitioner's proposal to move the fence back approximately 8 feet from the intersection of Kavanagh Road and the alleyway in lieu of the 15 feet required by the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or struc-

ture located within the Chesapeake Bay Critical Areas of Baltimore County, or; and that strict compliance with the Chesapeake Bay Critical Areas requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is

compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of November, 1993 that the Petition for Variance requesting relief from Section III.A.13 of the Baltimore County Zoning Regulations (1945 Regulations) to permit an existing accessory structure (shed) to be located in the side yard in lieu of the required rear yard, and from Section 102.5 of the B.C.Z.R. (1955 Regulations) to permit an existing fence of a height greater than 3 feet to be located 8 feet from an intersecting street and alley in lieu of the required 15 feet, in accordance with Petitioner's Exhibits 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) When applying for any permits, the site plan filed must reference this case and set forth and address the terms and conditions of this Order.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated November 2, 1993, attached hereto and made a part hereof.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TWK:bjjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

November 18, 1993

(410) 887-4386

Mr. & Mrs. Charles D. Lowe
1900 Dineen Drive
Baltimore, Maryland 21222

RE: PETITION FOR VARIANCE
SW/Corner Dineen Drive and Kavanagh Road
(1900 Dineen Drive)
15th Election District - 7th Councilmanic District
Charles D. Lowe, et ux - Petitioners
Case No. 94-138-A

Dear Mr. & Mrs. Lowe:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TWK:bjjs

cc: Mr. Louis P. Romeo, Jr., President, West Inverness Community Assoc.
P.O. Box 35204, Baltimore, Md. 21222-7204

Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM
People's Counsel

Petition for Variance
to the Zoning Commissioner of Baltimore County

for the property located at 1900 Dineen Dr
which is presently zoned DR 10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property shown in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section III.A.13 (Fence Height) and Section 102.5 (Fence Setback) to permit a fence to be located 8 feet from the intersection of a street and alley in lieu of the required 15 feet from the intersection of a street and alley.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

See attached

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Current Purchased/Leased:

(Type or Print Name)

Signature

Address

City

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City

State

Zip

Legal Owner(s)

Charles D. Lowe

Signature

Sharon A. Lowe

Signature

Sharon A. Lowe

Signature

1900 Dineen Dr

Baltimore, MD 21222

City, address and phone number of respondent to be submitted

State

Zip

94-138-A
Fence ① the fence protects my 2 children from possible abduction ② there is a pool on my property ③ moving the fence the full amount would cut into the decking around the pool ④ the privacy fence protect other children from possible drowning in my pool ⑤ By putting the fence up that helped stop Drugs; alcohol Abuse on the corner of our alley ⑥ it also stop kids from breaking bottles in our back yard which endangers my 2 small children

Shed I located the shed in best reference to space with a pool, garden - swing set to utilize my small yard.

ZONING DESCRIPTION 136
1900 DINEEN DR
15th ED 7th CO.

Beginning at a point on the Southwest
Corner of Dineen Dr. and Kavanagh Rd. Being Lot
No. 27, Block 5, Sect 3, in the Subdivision of West
Inverness, containing .08 acre ±.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 12th
Posted for: Variance
Petitioner: Charles D. Lowe
Location of property: 1900 Dineen Drive - Section 3, Block 5, West Inverness
Location of Sign: Party's residence, on property being used as a residence
Remarks:
Posted by: [Signature]
Date of return: 10/15/93
Number of Signs: 1

receipt
Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Account: R-001-0000
Number: 136
By: JLL
Date: 9/23/93
Code 010 1 RESVAR. FILING-FEE 50.00
080 (1) SIGN POSTING 35.00
TOTAL 85.00
OWNER: LOWE
LOC. 1900 DINEEN DR.
CRITICAL
02AD2W0334M1CHRC
PA 0011334M09-23-93 \$85.00
Please Make Checks Payable To Baltimore County
County Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PRIORITIES
(410) 887-3353
Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.
This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.
PAYMENT WILL BE MADE AS FOLLOWS:
1) Posting fees will be assessed and paid to this office at the time of filing.
2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.
[Signature]
ARNOLD JABLON, DIRECTOR
For newspaper advertising:
Item No.: 136
Petitioner: [Signature]
Location: [Signature]
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Charles Lowe
ADDRESS: 1900 Dineen Dr.
PHONE NUMBER: 282-4135
Adj: ggs
(Revised 04/09/93)

CERTIFICATE OF PUBLICATION

TOWSON, MD., 1017, 1993
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/17, 1993.

THE JEFFERSONIAN,
A. Henrichson
LEGAL AD. - TOWSON
Publisher

TO: POTTERY PUBLISHING COMPANY
October 7, 1993 Issue - Jeffersonian
Please forward billing to:
Charles Lowe and Sharon Lowe
1900 Dineen Drive
Baltimore, Maryland 21222
410-282-4135

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-136-A (Item 136)
1900 Dineen Drive
SNC Dineen Drive and Kavanagh Road
15th Election District - 7th Councilmanic
Petitioner(s): Charles D. Lowe and Sharon A. Lowe
HEARING: TUESDAY, NOVEMBER 9, 1993 at 10:00 a.m. in Rm. 106, County Office Building.

Variance to permit an accessory structure (existing shed) in the side yard in line of the rear yard and to permit a fence (existing) higher than 3 feet to be located 8 feet in line of the required 15 feet from an intersection of a street and an alley.

LAWRENCE E. SCHEIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILING AND/OR HEARING, PLEASE CALL 887-3391.

111 West Chesapeake Avenue
Towson, MD 21204

OCT. 0 4 1993 (410) 887-3353

NOTICE OF HEARING

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Variance to permit an accessory structure (existing shed) in the side yard in line of the rear yard and to permit a fence (existing) higher than 3 feet to be located 8 feet in line of the required 15 feet from an intersection of a street and an alley.

Arnold Jablon
Director

cc: Charles D. Lowe and Sharon A. Lowe
Len Rowe

NOTES: (1) ZONING CASES & PART MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILING AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

October 29, 1993

Mr. and Mrs. Charles D. Lowe
1900 Dineen Drive
Baltimore, Maryland 21222

RE: Case No. 94-136-A, Item No. 136
Petitioner: Charles D. Lowe, et ux
Petition for Variance

Dear Mr. and Mrs. Lowe:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 23, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petition filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: October 29, 1993
Zoning Administration and Development Management

FROM: Robert W. Bowling, Senior Engineer
Development Plan Review Section

RE: Zoning Advisory Committee Meeting
for October 12, 1993
Item No. 136

The Development Plan Review Section has reviewed the subject zoning item. The proposed fence should not interfere with the line of sight for the alley.

RWB:s



**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

10-1-93
Re: *BALTIMORE CC.*
Item No.: *# 136 (JLL)*

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: October 4, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 130, 133, 134, 135, 136, 137, 139, 140 and 141.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Division Chief:

PK/JL:lw

ZAC-133/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

October 25, 1993

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #136 - Lowe Property
1900 Dineen Drive
Zoning Advisory Committee Meeting of October 4, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area regulations. The applicant must submit a Critical Area Findings Plan for review and approval by this Department prior to preparation of a Critical Area Findings for the development. The applicant may contact the Environmental Impact Review Section at 887-3980 for details.

JLP:sp

LOWE/DEPRM/TXTSBP

**Baltimore County Government
Department of Permits and Licenses**

111 West Chesapeake Avenue
Towson, MD 21204

October 8, 1993

(410) 887-3610

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

Zoning Agenda: Meeting of October 4, 1993

Joseph Michael Neukam and Audrey E. Neukam
#2001 Codd Avenue
130 (RT)

Paul Goodman
#1002 Reisterstown Road
+131 (RT)

Colonial Village Company
#7002 Reisterstown Road - Colonial Village Shopping Ctr.
+132 (JPA)

Iron City Sash and Door
#2202 Haleshorpe Farm Road
+133 (JLL)

David Wayne Johnson and Tera Lee Johnson
#11 Horse Chestnut Court
+8 134 (RT)

Edmund J. Cardoni and Teena L. Cardoni
#232 Antietam Road
+135 (JCM)

Charles D. Lowe and Sharon A. Lowe
#1900 Dineen Drive
136 (JLL)

Elizabeth Hendrickson, Personal Representative for the Estate of
Rita S. Holland
#13224 Fork Road
137 (JJS)

The Pines at Deep Run Limited Partnership
#5,6,7, & 8 Deep Run Court
+ 138 (MJK)

Robin Barbagallo and Francis S. Barbagallo, Jr.
#1381 Green Lane

Printed with Soy-based Ink
on Recycled Paper

Jerome Leibowitz and Bettye I. Liebowitz
#3510 Gardenvue Road
+140 (JLL)

A. LeRoy Metz and Jean L. Metz
#9106 Hines Road
+141 (JRA)

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Reviewed: *Robert P. Sauerwald*
Lieutenant Robert P. Sauerwald
Fire Prevention Bureau
(887-4880)

**Baltimore County Government
Office of Zoning Administration
and Development Management**

111 West Chesapeake Avenue
Towson, MD 21204

November 4, 1993

(410) 887-3353

Mr. and Mrs. Charles D. Lowe
1900 Dineen Drive
Baltimore, Maryland 21222

RE: Case No. 94-138-A, Item No.136
Lowe Property

Dear Mr. and Mrs. Lowe:

Enclosed are copies of comments received from the Department of Environmental Protection and Resource Management on November 3, 1993 for the above-referenced case.

If there are any questions, please do not hesitate to call me at 887-3391.

Sincerely,

Charlotte Minton
Charlotte Minton

Enclosure

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director
Office of Zoning Administration
and Development Management

DATE: November 2, 1993

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 136
Lowe Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 1900 Dineen Drive. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Mr. and Mrs. Charles Lowe

APPLICANT PROPOSAL

The applicant has requested a variance from section IIIA.13 of the Baltimore County Zoning Regulations to permit "an accessory structure (existing shed) in the side yard in lieu of the rear yard".

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts" <COMAR 14.15.10.01.02>

RECEIVED
NOV 2 1993
ZADM

Mr. Arnold E. Jablon
November 2, 1993
Page 2

REGULATIONS AND FINDINGS

1. **Regulation:** "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Section 26-449(a)>.

Finding: This property is located approximately 600 feet from the mean high tide of Lynch Cove. Therefore, no disturbance of the shoreline buffer shall occur.

2. **Regulation:** "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" <Baltimore County Code, Section 26-447>.

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site. Therefore, no dredging, filling, or construction shall occur in any tidal or non-tidal wetland for this project, and this regulation has been met.

3. **Regulation:** "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment" <Baltimore County Code Section 26-452(a)>.

Finding: In order to comply with the above regulation, rooftop runoff shall be directed through downspouts and across the lawn. This will encourage maximum infiltration of stormwater and will bring this property into compliance with the 10% rule. Infiltration of stormwater is a recommended Best Management Practice in a "Framework for Evaluating Compliance with the 10% Rule in the Chesapeake Bay Critical Area."

Mr. Arnold E. Jablon
November 2, 1993
Page 3

CONCLUSION

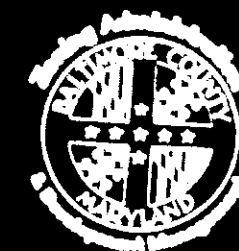
The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-3980.

J. James Dieter
J. James Dieter, Director
Department of Environmental Protection
and Resource Management

JJD:NSP:um

cc: Mr. and Mrs. Lowe

LOWE/DEPRM/MQBCA



Zoning Enforcement

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3301

94-138-A

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Carl W. Richards
Zoning Coordinator
September 29, 1993

FROM: James H. Thompson -LJM
Zoning Enforcement Coordinator

RE: Item No. 136
Petitioner: DAVE LOWE

VIOLATION CASE # C-93-2091

LOCATION OF VIOLATION 1900 DINEEN DRIVE

DEFENDANT DAVE LOWE

ADDRESS 1900 DINEEN DRIVE

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME & ADDRESS

LOU ROMBO PO BOX 35204,
BALTO, MD. 21222-7204

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 1900 DINEEN DRIVE
Subdivision name: DINEEN DRIVE
Plot book: 11, pages 25, 26, 27, section 3
OWNER: DAVE LOWE

PETITIONER'S EXHIBIT NO. 1
94-138-A

Scale of Drawing: 1" = 30'

LOCATION INFORMATION

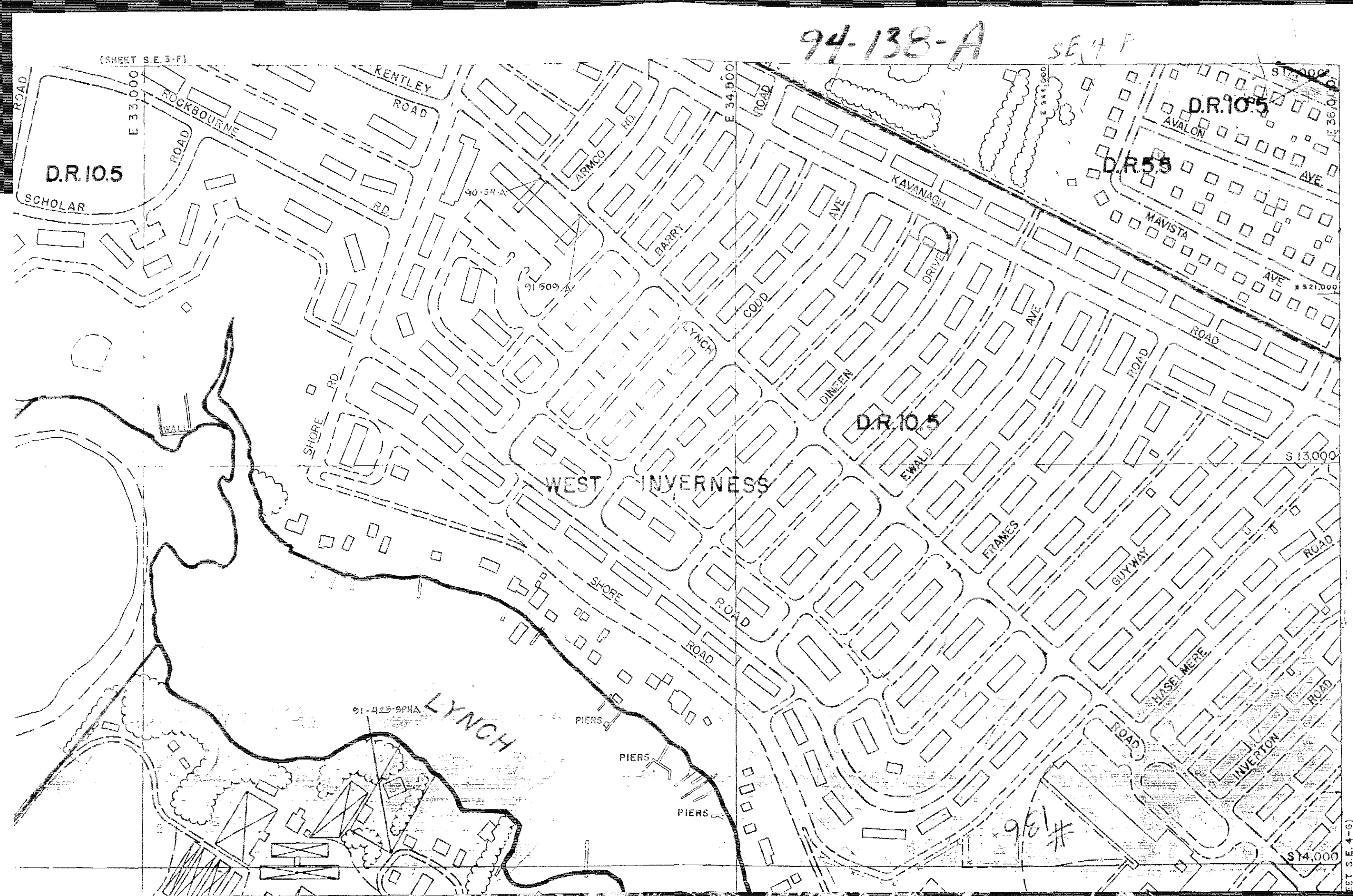
Election District: 15
Councilman's District: 7
T-200 scale map: SE 4-5
Zoning: D.R. 10.5
Lot Area: 1.75 Acres
Area: 1.75 Acres

Zoning Office USE ONLY

Reviewed by: [Signature] ITEM #: 136 CASE #:

*Petitioner's
Exhibits 1
(photographs)*

94-138-A



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200'±	DUNDALK	S. E.
DATE OF PHOTOGRAPHY JANUARY 1986		4-F